SENATE BILL No. 171

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DIGEST OF SB 171 (Updated February 2, 2005 6:12 pm - DI 87)

Citations Affected: IC 6-1.1; noncode.

Synopsis: Delinquent personal property taxes. Requires a creditor that acquires and transfers personal property on which the creditor holds a lien and on which personal property taxes are delinquent to pay the delinquency from the proceeds of the transfer before applying the proceeds to the lien.

Effective: January 1, 2006.

Lawson C

January 4, 2005, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.
February 3, 2005, reported favorably — Do Pass.

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SB 171—LS 6826/DI 52+

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.
  Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.
  Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 171

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A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1   SECTION 1. IC 6-1.1-23-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 1. (a) Annually,
3 after November 10th but prior to August 1st of the succeeding year,
4 each county treasurer shall serve a written demand upon each county
5 resident who is delinquent in the payment of personal property taxes.
6 The written demand may be served upon the taxpayer:
7   (1) by registered or certified mail;
8   (2) in person by the county treasurer or the county treasurer's
9   agent; or
10   (3) by proof of certificate of mailing.
11   (b) The written demand required by this section shall contain:
12   (1) a statement that the taxpayer is delinquent in the payment of
13   personal property taxes;
14   (2) the amount of the delinquent taxes;
15   (3) the penalties due on the delinquent taxes;
16   (4) the collection expenses which the taxpayer owes; and
17   (5) a statement that if the sum of the delinquent taxes, penalties,

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1   and collection expenses are not paid within thirty (30) days from
2   the date the demand is made then:
3   (A) sufficient personal property of the taxpayer shall be sold
4   to satisfy the total amount due plus the additional collection
5   expenses incurred; or
6   (B) a judgment may be entered against the taxpayer in the
7   circuit court of the county.
8   **(c) For the purpose of satisfying a creditor's lien on personal**
9   **property, the creditor of a taxpayer that comes into possession of**
10   **personal property on which the taxpayer is delinquent in the**
11   **payment of personal property taxes must pay in full the delinquent**
12   **personal property taxes to the county treasurer from the proceeds**
13   **of any transfer of the personal property made by the creditor or**
14   **the creditor's agent before applying the proceeds to the creditor's**
15   **lien on the personal property.**
16   SECTION 2. [EFFECTIVE JANUARY 1, 2006] **IC 6-1.1-23-1, as**
17   **amended by this act, applies only to property taxes first due and**
18   **payable after December 31, 2006.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill No. 171, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 171 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 8, Nays 1.

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